

CESSATION ORDER  
(FOR IMMINENT DANGER OR HARM)

I - 11726

ODNR

OHIO DEPARTMENT OF  
NATURAL RESOURCES

DIVISION

OF RECLAMATION

Mineral  
Resources Mgt.

2050 E. Wheeling Ave. Cambridge OHIO

TO: AMERICAN ENERGY CORPORATION

PERMIT NO: D-0425

ADDRESS: 43521 MAY HUGH HILL RD Twp. 85

DISCOVERY DATE:

BEALLSVILLE, OHIO 43716

10:00<sup>a.m.</sup> Aug. 23, 2005

APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.10/A / 1501.13-9-04/A

DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:

The operator failed to conduct coal mining operations so as to prevent additional contributions of suspended solids to streamflow outside the permit by allowing the uncontrolled discharge of coal slurry into Captina Creek.

8/26/05

(A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cease all slurry pumping in the pipelines between D-425 & D-360 until a spill prevention plan is approved by the Division.

(modified 8/26/05 see attachment)

TIME: 4:00<sup>a.m.</sup> DATE: 8-23-2005

(B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR & OEPA to complete the clean up and restoration of the affected portions of Captina Creek and all surface areas disturbed as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00<sup>a.m.</sup> DATE: 8-28-2005

SERVED TO:

Ry. M. Murray 8/23/05

BY:

J. Pataj Authorized Representative

TIME:

4:00<sup>a.m.</sup>

DATE:

8-23-05

EXTENDED TO: 5:00<sup>a.m.</sup> 10-12-2005

EXTENDED TO: 5:00<sup>a.m.</sup> 11-15-2005

Served to:

Date:

Served to:

Mailed 10/27/05

Date:

By:

J. Pataj

Date:

9-13-05

By:

J. Pataj

Date:

10-13-05

MODIFIED:

August 26

10/2005

To:

Ry. M. Murray

By:

J. Pataj

( ) NON-COMPLIANCE:

a.m.  
p.m.

19

Mailed

09/16/05

To:

By:

EXTENDED TO:

5:00<sup>a.m.</sup>

1-20-2006

EXTENDED TO:

a.m.  
p.m.

19

Served to:

Mailed 11/23/05

Date:

Served to:

Date:

By:

J. Pataj

Date:

11-24-05

By:

J. Pataj

Date:

11-24-05

EXTENDED TO:

5:00<sup>a.m.</sup>

3-20-2006

EXTENDED TO:

a.m.  
p.m.

19

Served to:

Mailed 02/09/06

Date:

Served to:

Date:

By:

J. Pataj

Date:

2-8-06

By:

J. Pataj

Date:

2-8-06

MODIFIED:

19

To:

By:

NON-COMPLIANCE:

a.m.  
p.m.

19

To:

By:

Cessation Order Issued? yes

no

If no, explain

VACATED:

19

To:

By:

TERMINATED:

19

To:

By: